RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	: Lujun Chen	
Appln. No.	: 09/843,370	
Filed	: April 26, 2001	Group Art Unit: 2652
For	: GIANT MAGNETORESISTIVE SENSOR HAVING SELF-CONSISTENT DEMAGNETIZATION FIELDS	Examiner: Brian E. Miller
Docket No.	: S01.12-0730/STL 9852	

RESPONSE TO FINAL OFFICE ACTION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is in response to the Office Action mailed on June 3, 2004, in which claims 1, 2, 4-8, 18 and 20 were withdrawn from consideration and claims 9, 11-17, 19 and 21-24 were rejected. Reconsideration of the application is respectfully requested.

DECLARATION

In Section 1 of the Office Action, the Examiner found the Declaration to be defective. In particular, the Examiner requested a new declaration in compliance with 37 C.F.R. §1.67(a) that identifies the foreign application on which priority is claimed pursuant to 37 C.F.R. §1.55. On June 16, 2004, Applicant spoke with the Examiner regarding the Declaration and submitted that it was not defective. In particular, Applicant explained that the priority claim lacked specific information about the foreign

application including its application number, country, etc., since it was filed on the same day as the present application as stated in the first paragraph of the specification, which is in accordance with 37 C.F.R. §1.55. Applicant and the Examiner reached an agreement that the originally filed Declaration was proper and that it would be unnecessary to file a new declaration.

CLAIM REJECTIONS - 35 U.S.C. §103

In Section 6 of the Office Action, the Examiner rejected claims 9, 11-12, 15-17, 19 and 21-24 under 35 U.S.C. §103(a) as being unpatentable over Iwasaki et al. (U.S. Patent No. 5,549,978) in view of Mao et al. (U.S. Patent No. 6,169,647).

Applicant respectfully asserts that the Mao et al. reference is disqualified as prior art to the present application. 35 U.S.C. §103(c) provides:

> (a) subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This change to 35 U.S.C. §103(c) applies to patent applications filed on after November 29, 2000. The present application was filed April 26, 2001, and both Mao et al. and the claimed invention were assigned to Seagate Technology LLC at the time the invention was made.

Furthermore, the present application claims the benefit of U.S. Provisional Application No. 60/233,815 filed September 19, 2000. As a result, Mao et al., which was filed September 16, 1998 and published upon issuance on January 2, 2001, does not qualify as prior art under 35 U.S.C. §102(a) or (b). Accordingly, Applicant submits that Mao et al. only qualifies as prior art

under 35 U.S.C. §102(e). Therefore, Applicant submits that Mao et al. is disqualified as prior art to the present application, and requests that the rejections be withdrawn.

In Section 7 of the Office Action, the Examiner rejected claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Iwasaki et al. in view of Mao et al., and further in view of Ravipati et al. (U.S. Patent No. 5,739,990). As discussed above, Applicant submits that Mao et al. is disqualified as prior art against the present application. Accordingly, Applicant submits that claims 13 and 14 are allowable in view of the cited references, and requests that the rejections be withdrawn.

CONCLUSION

In view of the above comments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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By: _____

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